

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

SABEIN BURGESS, \* No. RDB-15-0834  
*Plaintiff,* \* Hon. Richard D. Bennett,  
v. \* District Judge  
BALTIMORE POLICE \*  
DEPARTMENT, *et al.*, \* JURY TRIAL DEMANDED  
*Defendants.* \*

PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS

Plaintiff Sabein Burgess, by his attorneys, pursuant to Federal Rule of Civil Procedure 54, Local Rule 109, 42 U.S.C. § 1988, and 28 U.S.C. § 1920, hereby respectfully moves for an award of attorneys' fees and costs in this matter, stating in support as follows:

1. On March 23, 2015, Burgess filed this lawsuit in the U.S. District Court for District of Maryland against the Baltimore Police Department (BPD) and certain of its former employee police officers, alleging that he had been framed for a murder he did not commit. ECF Nos. 1, 141.

2. After extensive discovery, motion practice, a settlement agreement reached with a portion of the individual defendants, and bifurcation of the *Monell* claims against the BPD, ECF Nos. 56, 68, 311, 312, 320, 333, 356, Burgess's claims against Defendant Goldstein were tried to a jury, which, on November 21, 2017, returned a verdict in Burgess's favor on all claims and awarded him \$15,000,000.00,

ECF Nos. 364. The Court entered judgment in favor of Burgess and against Defendant Goldstein on the jury's verdict the same day. ECF No. 366.

3. On May 14, 2021, the Fourth Circuit affirmed the judgment and this Court's resolution of the case in all respects, except that it reversed the dismissal of Burgess's *Monell* claims, and remanded those claims for further proceedings, to take place upon the BPD's agreed payment of the judgment against Defendant Goldstein. *Burgess v. BPD, et al.*, No. 19-1600, ECF No. 88 (4th Cir. May 14, 2021).

4. This Court extended the deadline for Burgess to file a motion for attorneys' fees and costs up to and including today, June 25, 2021. ECF No. 451, 452.

5. Plaintiff achieved a truly historic result in this case, winning a jury verdict on all of his federal constitutional claims and an award of multiple millions of dollars for the violations of his civil rights resulting in his decades-long wrongful conviction. He is unquestionably a prevailing party within the meaning of 42 U.S.C. § 1988, 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54, Local Rule 109, and *Hensley v. Eckerhart*, 461 U.S. 424 (1983). Accordingly, Burgess is entitled to an award of attorneys' fees and costs reasonably expended in the prosecution of his lawsuit.

6. Pursuant to Federal Rule of Civil Procedure 54, Local Rule 109, 42 U.S.C. § 1988, and 28 U.S.C. § 1920, Burgess by this motion hereby requests attorneys' fees and costs.

7. The parties have initiated a preliminary dialogue in the hopes of resolving, or at a minimum narrowing, the issues in dispute. Should it become

necessary, however, Burgess will file his memorandum supporting this motion within 35 days of the date of this motion as required by Local Rule 109.2.a&b.

WHEREFORE, pursuant to Federal Rules of Civil Procedure 54, Local Rule 109, 42 U.S.C. § 1988, and 28 U.S.C. § 1920, Plaintiff respectfully requests that the Court deem him the prevailing party in this matter and enter an award of attorneys' fees and costs in his favor.

RESPECTFULLY SUBMITTED,

**SABEIN BURGESS**

By: /s/ Jon Loevy

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